

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

\_\_\_\_\_  
WYETH,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC., and  
TEVA PHARMACEUTICAL INDUSTRIES LTD.,

Defendants.  
\_\_\_\_\_

Civil Action No. 03-1293 (WJM)

DEC 07 2005

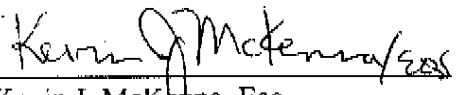
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**JOINT MOTION TO VACATE MARKMAN RULINGS,  
TO ENTER DISMISSAL ORDER, AND TO ENTER STIPULATED ORDER**


The parties in the above-captioned action have executed a Settlement And Release Agreement dated November 2, 2005 (hereinafter referred to as the "Agreement").

Under paragraph 2(C) of the Agreement, the entire Agreement does not become effective and binding unless certain Settlement Conditions are satisfied. Pursuant to those Settlement Conditions, the parties hereby jointly request that the September 6, 2005 Markman Opinion and Order, and the October 6, 2005 Letter Opinion and Order denying Wyeth's request for reconsideration of the Markman Opinion and Order, be vacated; that the above-captioned action be dismissed under the conditions specified in the attached Dismissal Order; and that a permanent injunction in the form specified in the attached Stipulated Order be entered.

Accordingly, the parties respectfully request that the Court enter the attached (1) Order Vacating Markman Rulings, (2) Dismissal Order, and (3) Stipulated Order.

  
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